

1 THE HONORABLE RICARDO MARTINEZ

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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 KENNETH FLEMING, JOHN DOE, R.K., and T.D.,
10 Plaintiffs,

11 v.

12 THE CORPORATION OF THE PRESIDENT OF
13 THE CHURCH OF JESUS CHRIST OF LATTER-
14 DAY SAINTS, a Utah corporation sole, a/d/a
15 "MORMON CHURCH"; LDS SOCIAL SERVICES
16 a/d/a LDA FAMILY SERVICES, a Utah corporation,
17 Defendants.

NO. C04-2338 RSM

**MOTION FOR DISCHARGE OF
LITIGATION GUARDIAN AD LITEM**

**NOTE ON MOTION CALENDAR:
FRIDAY, JULY 7, 2006**

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I. STATEMENT OF RELEVANT FACTS

This Court appointed attorney Andrew Benjamin as the Litigation Guardian ad Litem on May 3, 2006. *See Order*. Pursuant to this Court's Order, Mr. Benjamin, as the Litigation Guardian ad Litem, was to file a report within 21 days of appointment, expressing opinions as to whether guardianship proceedings should be commenced in Superior Court of Washington to manage the settlement funds of this litigation for plaintiff John Doe. *Id.* Mr. Benjamin's report was filed within 21 days of his appointment, with a recommendation that a trust be established for management of the settlement funds of this litigation in lieu of commencing guardianship proceedings in Superior Court of Washington. *See Report*. Pursuant to that recommendation, such trust was established. *See Declaration of Michael T. Pfau in Support of Motion for Discharge of Litigation Guardian ad Litem ("Pfau Decl.")*, *Ex.1*. Mr.

MOT. FOR DISCHARGE OF. OF LITIGATION GUARDIAN AD LITEM- 1
(C04-2338 RSM)
161711

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Benjamin assisted in the drafting of the trust and met with John Doe to make sure that he understood and agreed to the trust and to supervise the execution thereof. *See Supplemental Report of Litigation Guardian Ad Litem.*

II. LEGAL ARGUMENT

As the trust has now been established and the Litigation Guardian ad Litem has fulfilled his duties as ordered by this Court, Andrew Benjamin may now be discharged as the Litigation Guardian ad Litem for John Doe in the above referenced matter. John Doe asks that Mr. Benjamin be discharged as Litigation Guardian ad Litem and that this Court approve the payment of his fees as costs in this matter. *See Fee Declaration of Litigation Guardian ad Litem.*

III. CONCLUSION

For all of the reasons discussed above, Andrew Benjamin should be discharged as the Litigation Guardian ad Litem and payment of his fees as costs in this matter should be approved.

RESPECTFULLY SUBMITTED this _____ day of _____, 2006.

GORDON, THOMAS, HONEYWELL,
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MOT. FOR DISCHARGE OF. OF LITIGATION GUARDIAN AD LITEM-2
(C04-2338 RSM)
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on June 22, 2006, I electronically filed the foregoing **MOTION FOR APPOINTMENT OF LITIGATION GUARDIAN AD LITEM** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Thomas D. Frey and
Marcus Nash
STAFFORD FREY COOPER
601 Union Street, Suite 3100
Seattle, WA 98101-1374

DATED this 22nd day of June, 2006.

/s/ Vicki Burrows
Assistant to Michael T. Pfau,

MOT. FOR APPTMNT. OF LITIGATION GUARDIAN AD LITEM- 3
(C04-2338 RSM)
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